

111TH CONGRESS
2D SESSION

H. R. 6361

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a demonstration grant program for nonprofit organizations to partner with juvenile justice agencies to monitor juvenile facilities and provide youth in the facilities and their families with increased positive engagement in the system.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mrs. MCCARTHY of New York introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a demonstration grant program for nonprofit organizations to partner with juvenile justice agencies to monitor juvenile facilities and provide youth in the facilities and their families with increased positive engagement in the system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Family Justice Act
5 of 2010”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) According to the National Center for Men-
4 tal Health and Juvenile Justice, the successful reha-
5 bilitation of youth in the juvenile justice system, and
6 their sustained reintegration into the community rely
7 upon the mutual support of juvenile justice systems
8 and families in the accomplishment of their goals.

9 (2) Involving families benefits the youth, the
10 family, the juvenile justice system, and the commu-
11 nity.

12 (3) Valid information and consistent commu-
13 nication between families and juvenile justice facili-
14 ties reduces confusion, frustration, and disappoint-
15 ment.

16 (4) Training of juvenile justice personnel on the
17 importance of involving families can help the former
18 better understand the family perspective and the po-
19 tential opportunities for families to be educated
20 about the system, its processes and protocols.

21 (5) Families working together with juvenile jus-
22 tice systems can improve outcomes for justice-in-
23 volved youth with mental health issues.

24 **SEC. 3. AMENDMENTS.**

25 (a) ESTABLISHMENT OF DEMONSTRATION GRANT
26 PROGRAM.—Title II of the Juvenile Justice and Delin-

1 quency Prevention Act of 1974 (42 U.S.C. 5611 et seq.)
 2 is amended—

3 (1) by redesignating part (F) as part (G), and
 4 (2) by inserting after part (E) the following:

5 **“PART F—ESTABLISHING INCREASED FAMILY EN-**
 6 **GAGEMENT AND INDEPENDENT MONI-**
 7 **TORING PROGRAMS**

8 **“SEC. 271. GRANT PROGRAM.**

9 “(a) PURPOSES.—The purposes of this section are
 10 the following:

11 “(1) To strengthen the relationships between—

12 “(A) individuals who are employed by juve-
 13 nile justice or adult criminal justice agencies,
 14 including individuals employed at juvenile de-
 15 tention or corrections facilities or adult jails or
 16 prisons; and

17 “(B) individuals who are not employed in
 18 the agencies or facilities, but are involved with
 19 the juvenile justice or adult criminal justice sys-
 20 tem, particularly youth held in juvenile deten-
 21 tion or corrections facilities or adult jails or
 22 prisons and their families.

23 “(2) To create a process through which admin-
 24 istrators and staff at such facilities engage in a dia-
 25 logue with individuals the facilities incarcerate, in-

1 including youth in juvenile detention or corrections fa-
2 cilities or adult jails or prisons and families of these
3 youth, as well as other community-based stake-
4 holders, to collect feedback and input about the fa-
5 cilities' policies, procedures, and practices.

6 “(3) To ensure that the feedback and input
7 from youth in these facilities, their families, and
8 community-based stakeholders are integrated into
9 the facilities' policies, procedures, and practices.

10 “(4) To allow families of youth incarcerated in
11 a facility and community-based stakeholders access
12 to the facility and the youth in order to conduct an
13 initial assessment of the facility, to assess which
14 policies and practices help families support youth's
15 rehabilitation prior to, during, and after their stay
16 in a facility, and as well as to monitor the facility's
17 progress towards recommendations made by a panel
18 described in subsection (b)(1).

19 “(b) GRANTS AUTHORIZED.—

20 “(1) FAMILY ENGAGEMENT DEMONSTRATION
21 GRANTS.—The Administrator may make grants in
22 each fiscal year to local or statewide nonprofit orga-
23 nizations proven to be family oriented and based in
24 best practices to establish panels to monitor juvenile
25 detention and corrections facilities in which youth

1 are held and provide youth in those facilities and
2 their family members with the ability to assist in the
3 development of policies, procedures, and practices in
4 these facilities to improve outcomes for youth and
5 better prepare families to support youth's rehabilita-
6 tion and transition back into the community.

7 “(2) GEOGRAPHIC DISTRIBUTION.—Grants
8 shall be made with preference given to those organi-
9 zations that have a demonstrable track record of
10 working with families of incarcerated youth and in-
11 corporating family input into their decisionmaking
12 processes. In making grants under this section, the
13 Administrator shall, to the extent practicable, ensure
14 that a grant is made to one nonprofit organization
15 in each State.

16 “(c) APPLICATIONS.—

17 “(1) SUBMISSIONS.—Each local or statewide
18 nonprofit organization that desires a grant under
19 this section shall submit an application, in partner-
20 ship with State or local juvenile justice and criminal
21 justice agencies, courts, or juvenile detention or cor-
22 rections facilities or adult jails or prisons, to the Ad-
23 ministrator in such manner, and accompanied by
24 such information, as the Administrator may require.

1 “(2) CONTENTS.—Each application submitted
2 under paragraph (1) shall, at a minimum, include
3 the following:

4 “(A) A description of the organization’s ex-
5 perience working with youth involved in the ju-
6 venile justice or adult criminal justice system
7 and their families.

8 “(B) A description of the organization’s
9 approach to family engagement in the juvenile
10 justice or adult criminal justice system, includ-
11 ing the organization’s use of parent advocates.

12 “(C) A list of the juvenile detention or cor-
13 rectional facilities or adult jails and prisons
14 holding youth that the panel will monitor.

15 “(D) A description of the State or local
16 partner with which the monitoring panel will
17 work and which has the authority to make the
18 changes in the facilities listed under subpara-
19 graph (C).

20 “(E) Assurances that the organization will
21 create a monitoring panel that shall include—

22 “(i) two representatives from each
23 of—

24 “(I) family members of youth
25 currently incarcerated or incarcerated

1 within the last 2 years in the par-
2 ticular monitored facility;

3 “(II) youth currently incarcer-
4 ated or incarcerated within the last 2
5 years in the particular monitored fa-
6 cility or a youth advocate who is in
7 regular contact with the facility; and

8 “(III) nonprofit organizations
9 that provide assistance to youth in-
10 volved in the juvenile justice or adult
11 criminal justice systems or their fami-
12 lies; and

13 “(ii) one representative from each
14 of—

15 “(I) a public defender’s office or
16 court-appointed private attorney rep-
17 resenting youth in one of the jurisdic-
18 tions served by a facility that the
19 panel will monitor;

20 “(II) the State Attorney Gen-
21 eral’s office or a prosecutor’s office in
22 one of the jurisdictions served by a fa-
23 cility that the panel will monitor;

1 “(III) a representative from the
2 State Advisory Group (SAG) or a
3 JJJPA State staff representative;

4 “(IV) the family liaison for men-
5 tal health services or a State or local
6 children’s mental health provider;

7 “(V) the Governor’s office;

8 “(VI) a State or local child wel-
9 fare agency; and

10 “(VII) the family liaison for spe-
11 cial education or a State or local edu-
12 cation agency representative.

13 “(F) Assurances that administrators of the
14 State or local juvenile justice and criminal jus-
15 tice agencies, courts, juvenile detention or cor-
16 rections facilities, or adult jails or prisons with
17 which the nonprofit is partnering will create a
18 facility implementation team that will include
19 two individuals employed by each facility being
20 monitored who have the authority to make
21 changes recommended by the panel.

22 “(G) Assurances that the applicant, as
23 part of its application, has consulted, or will
24 within 30 days of being notified of an award
25 will consult, with the State Advisory Group

1 (SAG) or the JJDPa State staff to discuss how
2 the activities of the monitoring panel can sup-
3 port and strengthen the State’s JJDPa compli-
4 ance monitoring activities.

5 “(d) USES OF FUNDS.—Grants received under this
6 section shall be used to ensure meaningful input from
7 youth in juvenile detention and corrections facilities and
8 adult jails and prisons, their families, and community-
9 based stakeholders by providing funds—

10 “(1) to allow the monitoring panel to conduct
11 an initial assessment and continued monitoring of
12 the facility to determine how the facility collects,
13 analyzes, and integrates the input from youth in the
14 facility, their families, and other community-based
15 stakeholders into the facility’s policies, practices,
16 and procedures, including by—

17 “(A) conducting confidential interviews
18 with youth and staff in the facility for the pur-
19 pose of evaluating the facility for the purposes
20 above; and

21 “(B) making unannounced visits to the fa-
22 cility to observe and assess conditions of con-
23 finement;

24 “(2) to allow the monitoring panel to make rec-
25 ommendations to the facility implementation team

1 on how to integrate input from youth, their families,
2 and community-based stakeholders into the facility's
3 policies, procedures, and practices, including—

4 “(A) creating more access to the facility
5 for outside groups, including—

6 “(i) allowing additional community-
7 based organizations that work with youth
8 or individuals to conduct visits to the facil-
9 ity;

10 “(ii) providing office space in the fa-
11 cility for entities that act in the interest of
12 youth in the facility, including community-
13 based advocacy groups, guardians ad litem,
14 and public defender offices; or

15 “(iii) assigning a court-appointed at-
16 torney to be available in the facilities on a
17 regular basis for youth to speak with about
18 their grievances with the facility;

19 “(B) creating a support group for families
20 of youth in the facility;

21 “(C) improving communications between
22 facility administrators and staff and families,
23 and encouraging dialogue between these individ-
24 uals and staff in the facility (such as officers,
25 medical professionals, and educators) by—

1 “(i) providing regular updates on indi-
2 vidual youth’s status and progress while in
3 the facility;

4 “(ii) integrating family input into the
5 process of making decisions regarding
6 youth, such as medical, mental health, or
7 educational decisions;

8 “(iii) creating a youth and family liai-
9 son position or point of contact for youth
10 and their families to help advocate for the
11 youth and their families;

12 “(iv) providing an orientation for
13 youth and families to the facility, the pro-
14 grams, and the formal grievance system of
15 the facility that includes information on
16 how youth and families can express prob-
17 lems, questions, or comments; and

18 “(v) ensuring that youth and their
19 families receive information on the re-
20 search on the consequences of juvenile jus-
21 tice system involvement, including the
22 long-term effects of this involvement and
23 how it can affect a child later in life;

24 “(D) improving visitation and contact poli-
25 cies with youth in the facilities, including—

1 “(i) reducing restrictions on who can
2 visit, including allowing visitation from in-
3 dividuals outside the youth’s immediate
4 family that provide positive support to the
5 youth, such as siblings, godparents, a par-
6 ent’s unmarried partner, aunts, uncles,
7 cousins, nieces, nephews, mentors, teach-
8 ers, coaches, and pastors;

9 “(ii) modifying or extending visitation
10 time to include additional hours or days of
11 the week to facilitate visitation with youth;
12 and

13 “(iii) reducing transportation barriers
14 for individuals to visit the facility, particu-
15 larly if the facility is not located near pub-
16 lic transit or near the communities from
17 which the youth in the facility are referred;
18 and

19 “(E) ensuring that quality and effective
20 after care plans are established that reduce re-
21 cidivism and help youth successfully reintegrate
22 into their communities; and

23 “(3) to provide funds to the facility to imple-
24 ment the recommendations of the monitoring panel,
25 only to be available to the facility after—

1 “(A) the monitoring panel has presented a
2 publicly available written report with its rec-
3 ommendations to the facility;

4 “(B) the monitoring panel and the facility
5 implementation team meet to discuss the rec-
6 ommendations and the facility implementation
7 team have a meaningful opportunity to provide
8 input into the recommendations; and

9 “(C) the monitoring panel and the facility
10 implementation team agree by a vote on which
11 recommendations to fund, in order for any
12 funds to be spent by the facility to implement
13 a recommendation, the use of those funds must
14 be supported by the votes of two-thirds of indi-
15 viduals on the monitoring panel and the facility
16 implementation team, and by the vote of at
17 least one individual as follows:

18 “(i) A representative from the facility
19 implementation team.

20 “(ii) A representative from the moni-
21 toring panel.

22 “(iii) A representative from the moni-
23 toring panel who is a youth or family
24 member.

1 “(e) FUNDS FOR EVALUATION.—The Administrator
 2 shall reserve 10 percent of the amount made available to
 3 carry out this section for the purpose of evaluating such
 4 demonstrations conducted under this section and issuing
 5 a report describing the approaches and aspects of the dem-
 6 onstrations that the Administrator determines to be most
 7 effective and appropriate for fulfilling the purposes of ju-
 8 venile justice detention and corrections facilities and adult
 9 jails and prisons, integrating input from youth in the fa-
 10 cilities and their families in the facility’s policies, proce-
 11 dures, and practices, taking into account the demo-
 12 graphics of the various localities to be served.”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 14 299 of the Juvenile Justice and Delinquency Prevention
 15 Act of 1974 (42 U.S.C. 5671) is amended—

16 (1) in subsection (a)—

17 (A) in the heading by striking “PARTS
 18 C AND E” and inserting “PARTS C, E,
 19 AND F”, and

20 (B) in paragraph (2) by striking
 21 “parts C and E” and inserting “parts C,
 22 E, and F”,

23 (2) by redesignating subsection (d) as sub-
 24 section (e), and

1 (3) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) AUTHORIZATION OF APPROPRIATIONS FOR
4 PART F.—There are authorized to be appropriated to
5 carry out part F such sums as may be necessary for fiscal
6 years 2011, 2012, 2013, 2014, 2015, and 2016.”.

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